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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200101092 3*

ENG

Food Scarcity in Myanmar

1. The right to food is a fundamental human right, guaranteed by the Universal Declaration of Human Rights [article 25(1)] and the International Covenant on Economic, Social and Cultural Rights (article 11). Notwithstanding, the right to food of people in the Union of Myanmar has been submerged by the military domination of that country. Substantial evidence suggests that the Government of Myanmar is systematically denying food to the civilian population through a range of practices implemented to ensure perpetuation of its undemocratic rule.

2. The Asian Legal Resource Centre brought these concerns to the attention of the Commission's fifty-sixth session (E/CN.4/2000/NGO/61), in light of findings made by the People's Tribunal on Food Scarcity and Militarization in Burma. The October 1999 report of the People's Tribunal was also cited by the former Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2000/38, paragraph 37; statement to the General Assembly of October 26, 2000). The Asian Legal Resource Centre appreciates the efforts of the former Special Rapporteur to highlight food security concerns in Myanmar in the context of the systemic and flagrant human rights abuses there. The Asian Legal Resource Centre also welcomes the Commission's appointment of Mr. Jean Ziegler as Special Rapporteur on the right to food and urges him to seriously examine conditions in Myanmar as a part of his mandate.

3. The People's Tribunal has recommended to the Government of Myanmar that it "address widespread food scarcity throughout the country by giving highest priority to food security as a basic human right". Regrettably, the government has declined to entertain the Tribunal's recommendations and has demonstrated unwillingness to alter its policies and practices exacerbating conditions of food insecurity. Government claims that food scarcity does not exist in Myanmar are overwhelmed by contrary evidence. The Asian Legal Resource Centre is convinced that the government's failure to fulfill its obligations constitutes a breach of international law. The Government of Myanmar must be held responsible for the pervasive food insecurity there.

4. As outlined previously, the Government of Myanmar continues to violate the right to food through denial of the right to work, pernicious taxation, confiscation of land and repeated demands for unpaid civilian labour. It prevents or inhibits people from working freely to achieve their food security. Farmers are not permitted to choose when, where and how to cultivate. In areas of armed conflict they are subject to unstable life-threatening conditions that prevent them from using their labour, land and natural resources to earn a living. In other parts of the country, farmers are the victims of policies that place their own wellbeing after the interests of the state. Regardless of economic circumstances, civilian communities are obliged to satisfy demands for goods and services from the military.

5. Paddy farmers, the largest occupational sector of the country, are subject to a compulsory paddy-purchase programme enforced by government agencies nationwide. The quota is based upon the land-holdings of each farmer and without regard to actual production. While reports indicate a rise in paddy production and exports in 2000, the People's Tribunal has stressed that food production does not in itself equate with food security, as "rice exports and growth in GDP [are]

specious indicators of economic progress which belie Myanmar's daily hunger" (oral submission). Irrespective, government policies continue to emphasise expanded production and export earnings, as distinct from rudimentary day-to-day food security concerns of most people in the country.

6. Myanmar's armed forces continue to be directly responsible for the most severe violations of the right to food. Counter-insurgency operations randomly destroy food stocks and crops, relocate civilian communities, and expropriate cash and materials. Reports indicate that in some areas military operations directly target rural food supplies and crops without distinction, displace people from villages, scatter them into hills and jungles or force them into relocation sites. Standing between these people and starvation is nothing more than their extraordinary tenacity. Widespread dislocation is resulting in serious and long-term structural food scarcity, not mere seasonal hunger due to occasional military incursions.

7. Evidence of growing malnutrition among Myanmar's children is a particular concern. The Government of Myanmar is a signatory to the Convention on the Rights of the Child, which contains certain positive obligations for ratifying states. The High Commissioner's 2000 report on the right to food stresses those positive obligations (E/CN.4/2000/48, paragraphs 24 and 26): "By ratifying the Convention, States parties have committed themselves to take all measures to prevent and 'combat [...] malnutrition' of children and to guarantee 'the provision of adequate nutrition.'" In spite of Myanmar's ascension to the Convention, UNICEF estimates that 45 percent of Myanmar's children under five suffer stunted growth, indicating severe malnutrition that is belittled by the paltry government resources allocated to address this long-term catastrophe.

8. Violations of the right to food in Myanmar are systemically linked to the ongoing expansion of militarisation there. The former Special Rapporteur has observed that, "Extreme poverty and the absence of food security have been the result of a policy characteristic of the militaristic approach adopted by the Authorities" (Statement to the General Assembly). Routine state functions have been militarised to the extent that virtually all transactions between the people and the state involve a degree of coercion. National agricultural policy is oriented away from the people and towards satisfying military and state needs. The military presence affects even the most fundamental day to day economic decisions of regular families.

9. The right to food is universal and fundamental: it transcends national boundaries and claims of sovereignty. The international community and particularly United Nations agencies are without exception obliged to recognise the slowly emerging man-made food security crisis in Myanmar. The Asian Legal Resource Centre calls upon the Commission to:

   a. Respond concretely to the recommendations of the People's Tribunal on Food Scarcity and Militarization in Burma.
   b. Appoint a new Special Rapporteur on the situation of human rights in Myanmar at the soonest possible date.
   c. Encourage the Special Rapporteur on the right to food to prioritise conditions in Myanmar among those concerns to be examined under his mandate.

d. Examine whether in particular the Government of Myanmar has violated the Convention on the Rights of the Child by its failure to address massive child malnutrition in the country.

10. Finally, the Asian Legal Resource Centre reiterates its call that an international commission be established to examine the hidden food security crisis in Myanmar before its already endemic proportions deepen into tragedy.

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COMMISSION ON HUMAN RIGHTS
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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by Human Rights Advocates, Inc.,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *0010109 27*

ENG

The impact of toxic wastes on human rights

1. The Special Rapporteur on toxic waste was appointed in 1995 to study and monitor the adverse effects of the illicit transboundary transport and dumping of toxic substances on the enjoyment of human rights. The Special Rapporteur has successfully brought international attention to the illicit transport and dumping of toxic substances. However, the limitations of her mandate have prevented her from engaging in a comprehensive study of the effects of toxics on human rights.

2. The Bureau on the Commission on Human Rights suggested in its 1998 Report that the mandate of the Special Rapporteur on toxic wastes be expanded to include human rights and the environment. [1] In its 1999 report, the Commission reaffirmed its earlier position by recommending a conversion of the mandate of the Special Rapporteur on toxic wastes into that of a Special Rapporteur on human rights and the environment. [2]

3. Chemical releases and the dumping of toxic wastes directly impact the human rights of individuals throughout the world. Hundreds of millions of people are exposed to toxics through air, water and land pollution related to industrial development and illicit waste disposal practices. High levels of particulates have been associated with respiratory disease and increased mortality. Alarmingly, acute respiratory disease is now the leading cause of death among children worldwide, killing an estimated 5 million young children per year. [3] Toxic exposure can impair the fulfillment of human rights, including the right to life, family and privacy rights, and the right to health. The re-appointment of a Special Rapporteur on toxics is critical to continued progress in understanding how toxics affect human rights. It is imperative that the current mandate be clarified to include a more comprehensive look at the effects of toxics on human rights.

Toxics generated during armed conflict and their effects on human rights

4. During the Gulf War, environmental casualties included the burning of 600-700 oil wells and the leakage of 6-8 million barrels of oil into the marine environment. During the bombings, many of the missiles were coated with depleted uranium (DU), a nuclear waste that burns on contact, producing a fine dust which can be ingested and inhaled, and which enters the food chain through water and soil. [4]

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[1] Commission on Human Rights Res. 1998/12, U.N. Hum.Rts.Comm'n, 54th Sess., at 3, U.N. Doc. E/CN.4/1998/L.2 (1998).

[2] Commission on Human Rights 1999/12, U.N. Hum.Rts.Comm'n 55th Sess. at 14., U.N. Doc. E/CN.4/1999/104 .

[3] Non-Governmental Position Paper on Critical Needs to Address Children's Environmental Health, Section A-1.

[4] Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World, Promotion and Protection of Human Rights: Science and Environment, U.N. Doc. E/CN.4/2000/121 (February 16, 2000), p. 2.

(a) Approximately 350 tons of DU weapons were used by the allies in the Gulf War. When lodged in the body, DU particles emit damaging radiation indefinitely and can poison chemically through their effect as a heavy metal. [5] According to the report from the DU Conference held in Baghdad in December 1998, it is estimated that 5% of Iraqi babies are born with congenital anomalies, and over 2% are born dead. Iraqi doctors also report major increases in every form of cancer, including childhood leukemia.[6] Additionally, a 55% increase in cancer has been reported in Iraq between 1989 and 1994 – a result of DU residues in the soil, air and water. [7]

(b) In the United States, many medical doctors and war veterans hold DU responsible for causing Gulf War syndrome, the symptoms of which resemble radiation sickness. There presently exists no effective treatment for those affected.

(c) Despite the known destructive forces of DU, it was again used in 1995 in Bosnia, where cancers rose threefold by 1997. [8] According to a UN task force, US jets fired 31,000 DU shells during the war.[9] Radiation readings in Hungary, Bulgaria and Greece have since recorded air samples exceeding 40 times the recommended safety limit of radiation associated with DU. [10]

The role of multinational corporations in generating toxics which adversely affect human rights

5. In May 2000, the Sub-Commission on the Promotion and Protection of Human Rights addressed the principles relating to the human rights conduct of multinational companies. The Sub-Commission's Working Group on the Working Methods and Activities of Transnational Corporations produced a report[11] stating that some multinational corporations do not respect minimum international human rights standards, and can thus be implicated in abuses related to toxic wastes. Due to these abuses and a lack of oversight of multinational corporations, many human rights violations have occurred. To improve oversight of multinational corporations and to protect human rights, the Sub-Commission's report proposed a draft human rights code, under which multinationals will be bound to assess the impact of their activities on the environment or human health.

6. The UN has played an active role in demanding corporate accountability, and in June 2000 the Economic and Social Council produced a report on globalization and its impact on human rights, urging reform in the rules of international trade, investment and finance.[12]

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[5] Depleted Uranium Research Center, (visited January 14, 1999) <http://asterix.ohys.unm.edu:8000>.
[6] Depleted Uranium Research Center, (visited January 14, 1999) <http://asterix.ohys.unm.edu:8000>.
[7] Ocean Update May 1998, (visited October 8, 2000) <http://www.seaweb.org/ resources/17update/persia.html>.
[8] Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World, U.N. Doc. E/CN.4/2000/121 (February 16, 2000), p. 4.
[9] Claude Morgan, "Eco-Crisis Feared in Yugoslavia", San Francisco Chronicle, August 11, 2000, p. A14.
[10] Id.
[11] David Weissbrodt, Principles Relating to the Human Rights Conduct of Companies, U.N. Doc. E/CN.4/Sub.2/2000/WG.2/WP.1 (May 25, 2000).
[12] J. Oloka-Onyango and Deepika Udagama, Globalization and its Impact on the Full Enjoyment of Human Rights,

However, there remains an urgent need for a Special Rapporteur to monitor and evaluate the practices of multinational corporations that violate human rights. Toxic chemicals used in the process and production of oil, if not handled properly, can have serious impacts on human health, particularly the health of children who are more sensitive to environmental health hazards.

a. Oil exploration by multinational corporations in Colombia has yielded environmental harms such as air pollution, river, lake and soil contamination, death of wildlife, land degradation, and climatic change.[13] The unfettered dumping at the hands of multinational corporations has violated international standards, and has had serious effects on human rights. Gas flaring has contributed greatly to air pollution, which presents health hazards such as respiratory disease, especially among children. In fact, exposure to unclean air has emerged as one of the most serious threats to a child's health, both in developing countries and developed countries alike.[14]

b. On average, three major multinational corporation oil spills are recorded monthly in the Niger Delta.[15] One leak reportedly spilled more than 800,000 barrels of crude.[16] In the Ogoniland district, the effects of oil exploration are still vivid 7 years after its cessation: well water in many areas is unsafe to drink and crops do not grow.[17]

(i) Hundreds of gas flares burning steadily in the Niger Delta for 30 to 40 years have polluted the air with carbon dioxide and methane, contributing to the release of "greenhouse gases" into the atmosphere, and also to acid rain.[18] The acid rain has destroyed plant and wildlife, and caused humans to suffer from respiratory diseases.[19]

c. From 1972 to 1992, multinational corporations built more than 300 oil wells in the Oriente region of Ecuador, and constructed a 300-mile trans-Ecuadorian pipeline that shipped 1.4 billion barrels of oil.[20] Between 1972 and 1990, more than 20 billion gallons of toxic waste water and 16 million gallons of crude oil were dumped into the Amazon forest, contaminating the soil and groundwater.[21] As a result, cancer rates, spontaneous abortions and respiratory infections among local populations have dramatically increased.[22]

U.N. Doc. E/CN.4/Sub.2/2000/13.

[13] Scott Holwick, *Transnational Corporate Behavior and Its Disparate Unjust Effects on the Indigenous Cultures and the Environment of Developing Nations*, 11 Colo.J.Int'l Envtl.L & Pol'y 183, 192 (2000).

[14] Non-Governmental Position Paper on Critical Needs to Address Children's Environmental Health, Section B2.

[15] Alfredo Quarto, In a Land of Oil and Agony: Nigeria, Earth Island Journal, June 22, 2000. No.2, vol.15, page 7.

[16] Alfredo Quarto, In a Land of Oil and Agony: Nigeria, Earth Island Journal, June 22, 2000. No.2, vol.15, page 7.

[17] "Danger Zones: Nigeria", (visited September 11, 2000), <http://www.amnestyusa.org/ justearth/countries/ nigeria.html>.

[18] Alfredo Quarto, In a Land of Oil and Agony: Nigeria, Earth Island Journal, June 22, 2000. No.2, vol.15, page 7.

[19] Joshua P. Eaton, *The Nigerian Tragedy, Environmental Regulation of Transnational Corporations, and the Human Right to a Healthy Environment*, 15 B.U.Int'l L.J. 261, 269 (1997).

[20] Maura Mullen de Bolivar, *A Comparison of Protecting the Environmental Interests of Latin American Indigenous Communities from Transnational Corporations under International Human Rights and Environmental Law*, 8 J.Transnat'l L.& Pol'y 105, 111 (1998).

[21] Danger Zones: Ecuador, (visited November 6, 2000) <http://www.amnestyusa.org/justearth/countries/ ecuador2.html>.

[22] Id.

Contaminated water and its effect on the rights to health and life

7. The Ad Hoc Committee of the Nineteenth Special Session of the General Assembly reported that one-fifth of the world population does not have access to safe drinking water, and more than one half lack adequate sanitation.[23] Over 1 billion people drink unsafe water, 2.3 billion have no sanitation and 7 million die from water-related diseases each year.[24] UN water experts estimate that 5,000 children die every day from waterborne illnesses.[25]

8. By a resolution adopted in April 2000, the OECD sought to define the right to drinking water by establishing as closely as possible its relationship to other human rights. The OECD proposed that governments and international bodies explicitly recognize the right to water for all persons.

(a) In Israel, along the Gaza Strip, the poor water quality severely affects the standard of living of the residents and exposes them to serious health hazards. The only local source of water is the Gaza Aquifier, which provides 96% of the area's drinking water.[26] A 1995 water quality study used for domestic purposes showed that, of all the water extracted from the Aquifier, only 7% met the World Health Organization's (WHO) recommended standard.[27]

(b) The Danube River has become highly polluted since the Balkan War. NATO continuously bombed the Petrohemija petroleum processing plants in Pancevo. Fearing explosions, workers at the plants released 1,400 tons of carcinogenic ethylene dichloride and 800 tons of hydrogen chloride into the Danube River.[28] In addition, bombing attacks in the northern Vojvodina region centered on oil refineries and storage facilities on the banks of the Danube, and produced a nine mile long oil spill.[29]

(c) The lower Danube is a source of drinking water for up to 10 million people.[30] The region's underground water resources, which serve about 90% of Serbia's domestic and industrial needs, are now at risk. Long term effects will likely include a build up

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[23] Promotion and Protection of Human Rights: Science and Environment, U.N. Doc. E/CN.4/1999/89 (December 22 1998).

[24] World Water Commission recommends privatization of water supplies, World Socialist Web Site (visited December 12, 2000) <http://www.wsws.org/articles/2000/mar2000/wtat-m20.html>.

[25] United Nations Wire: An Independent News Briefing About the UN (visited December 12, 2000) <http://www.unfoundation.org/unwire/archives>.

[26] Yehezkel Lein, *Thirsty for a Solution*, B'Tselem Israeli Information Center for Human Rights in the Occupied Territories, Position Paper July 2000, p. 65.

[27] Yehezkel Lein, *Thirsty for a Solution*, B'Tselem Israeli Information Center for Human Rights in the Occupied Territories, Position Paper July 2000, p. 66.

[28] Phillip Frazer, *What NATO's Bombs Did to the Environment*, Earth Island Journal, Winter 1999/2000 Vol. 14, No.4.

[29] Id.

[30] "WWF Calls For Immediate Environmental protection and recovery plan for Balkans", May 7, 1999, (visited October 3, 2000) <http://www.wwf.org/news/press/news.cfm>.

of toxins in the food chain and inability to reproduce among some species, resulting in further depletion of fish as a source of food in the region. [31]

Recommendations

9. HRA recommends the following actions:

(a) Re-appoint a Special Rapporteur on toxics with a clarified mandate to investigate and report on complaints and abuses involving chemicals and toxic dumping, particularly by multinational corporations, and their effects on human rights.

(b) Request better coordination with other UN bodies such as the Commission on Sustainable Development to incorporate concern for the effects of toxics on human rights into their respective existing efforts.

(c) Coordinate with the Sub-Commission's Working Group,"[32] which focuses on the effects of activities of multinational corporations on the enjoyment of human rights.

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[31] Id.

[32] Working Group on the Working Methods and Activities of Transnational Corporations. Working paper by David Weissbrodt, Principles Relating to the Human Rights Conduct of Companies, U.N. Doc. E/CN.4/Sub.2/2000/WG.2/WP.1 (May 25, 2000).

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

Written statement*/ submitted by Human Rights Advocates, Inc.,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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ENG

Views of Human Rights Advocates regarding the appointment of an Independent Expert on Impunity

1. The Secretary General has asked for comments from non-governmental organizations (NGOs) on the United Nations (U.N.) Commission on Human Rights Sub-commission on the Promotion and Protection of Human Rights suggestion to appoint an Independent Expert on Impunity. (E/CN.4/RES/2000/68) In response, Human Rights Advocates, an NGO with Category II Consultative Status with ECOSOC, submits the following comments. Human Rights Advocates recommends the appointment of an Independent Expert as a step consistent with the adoption by the U.N. of the principles for the protection and promotion of human rights through action to combat impunity.

2. In 1989, the Sub-Commission on Prevention of Discrimination and Protection of Minorities entrusted an expert to study the right to restitution, compensation and rehabilitation for victims of human rights and fundamental freedoms. (E/CN.4/Sub.2/1993/8) In 1998, the Commission on Human Rights (Commission) appointed M. Cherif Bassiouni as an independent expert to revise the basic principles. Mr. Bassiouni completed his first report (E/CN.4/1999/65) and circulated the draft principles to governments, intergovernmental organizations (IGOs) and NGOs for comment. NGOs, including Human Rights Advocates, supported the principles and actively contributed feedback. Mr. Bassiouni then submitted his final report entitled *Civil And Political Rights, Including The Questions Of: Independence Of The Judiciary, Administration Of Justice, Impunity, The Right To Restitution, Compensation And Rehabilitation For Victims Of Gross Violations Of Human Rights And Fundamental Freedoms*. (submitted in accordance with Commission resolution 1999/33 U.N. Commission On Human Rights 56th session Item 11(d) of the provisional agenda, at E/CN.4/2000/62, 18 January 2000).

3. The Commission also undertook separate studies on impunity. In 1991, the Sub Commission on Prevention of Discrimination and Protection of Minorities requested Mr. Louis Joinet to study the impunity of perpetrators of human rights violations (decision 1991/110). In 1994, the Commission split the study in two charging Mr. Joinet with aspects of civil and political rights (decision 1994/34). In 1997 Mr. Joinet submitted his final report entitled *The Administration Of Justice And The Human Rights Of Detainees, Question Of The Impunity Of Perpetrators Of Human Rights Violations (Civil And Political)* (pursuant to Sub Commission decision 1996/119, E/CN.4/Sub.2/1997/20/Rev.1.) The report recommends adoption by the U.N. General Assembly of principles for protection and promotion of human rights through action to combat impunity. The Sub-Commission circulated this set of principles to governments, IGOS and NGOs. *Impunity Report of the Secretary-General Promotion And Protection Of Human Rights,* summarizes the replies. (U.N. Commission on Human Rights, 56th session Item 17 of the provisional agenda at E/CN.4/2000/90, 23 December 1999). NGOs, IGOs and states remain actively committed to the principles to combat impunity. The U.N. Commission, recognizing the role of NGOs, has now requested their advice regarding the appointment of an Independent Expert on Impunity.

4. Human Rights Advocates has supported the work of the special rapporteurs on impunity and on reparations for victims from the beginning, and views the appointment of an Independent Expert as the essential next step in implementing and making effective the results of this prior work.

5. There are existing experts covering substantive rights at issue, like torture. Yet, there is no human rights mechanism focused specifically on monitoring, advising and further developing guidelines regarding impunity for use by international and regional organizations, states, other experts and NGOs which increasingly have to grapple with these issues.

6. The goal of an independent expert is to help combat impunity for human rights violations, especially those that constitute international crimes. This involves monitoring and reporting annually to the Human Rights Commission on what states and international organizations are doing in this area. Therefore, the Independent Expert on Impunity must be able to seek and receive information regarding situations involving impunity for serious violations of human rights. The independent expert should focus on situations of widespread or systematic impunity.

7. The specific tasks for an Independent Expert on Impunity include acting as an:

(a) Expert for U.N. decision-makers, NGOs and IGOs providing assistance in the following areas: amnesty; political asylum for those accused of human rights violations; reparations and programs for victims and survivors; reforming security forces; and arrangements for inquiry commissions. This expert could disseminate information on impunity issues as well as provide training in human rights and anti-impunity issues for U.N. personnel involved in negotiating peace agreements, transitional arrangements and the like. In the past, U.N. officials provided inconsistent and contradictory responses to proposals to grant amnesty or to prosecute offenders. Examples include Sierra Leone, where U.N. negotiators approved a failed amnesty for those who had committed atrocities, against the principles enunciated by its own human rights bodies. The U.N. has taken similarly unfortunate positions in Haiti, Cambodia and elsewhere. In Haiti, part of the agreement to put Jean-Bertrand Aristide back in power was amnesty for the past human rights violations of the military. The agreement failed and the result was invasion to remove the military regime. In Cambodia, the October 1991 peace agreement attempted to bring the Khmer Rouge into the disarmament process in an effort to control them. It ignored past human rights violations and failed to address critical issues, such as whether the party members could hold political office. The international ambivalence to bring the DK leaders to justice strengthened the Khmer Rouge's sense of impunity, and led to a longer conflict. On the other hand, when international negotiators have transmitted accurate and appropriate information about international law, it has had positive impact, as the limits on amnesties in the Guatemalan National Reconciliation Law of 1996 makes clear. The independent expert can not only transmit information but also ensure consistent non-contradictory responses by persons involved in international peace-making or mediation.

(b) Expert for states, providing information, guidelines, principles and models for addressing issues such as amnesty, prosecutions, reparations, political asylum or extradition for perpetrators, commemoration, and inquiry and truth commissions. This expert could aid in ensuring that domestic law is consistent with international legal obligations by providing states with information on international norms of protection and models of judicial and administrative procedures.

The expert could assist states in fashioning inquiry and truth and reconciliation systems; developing standards for drafting amnesty provisions which do not violate international law; designing victims's remedies; or advising states seeking to implement transitional measures. The expert may assist extra-judicial commissions of inquiry in developing adequate infrastructure, funding, personnel, documentation, evidence-gathering and with making informed choices regarding safeguards for victims and witnesses. Further, an independent expert could make available to domestic courts, still unfamiliar with much of the recent international law on international crimes, investigations and amnesties, coherent guidelines and principles.

(c) Expert to monitor situations where current violations have decreased substantially, but impunity for past crimes continues to be a major problem. This requires looking at state reports, practices and procedures, visiting those states concerned with impunity for past crimes, and reporting to the Commission and other human rights bodies if requested.

Currently, when states are no longer considered gross violators of human rights, scrutiny by the Commission ceases. Yet where problems of impunity fester, states will often revert to gross violations either to stem continuing unrest or because of unresolved ethnic, religious or political tensions that are exacerbated by the felt lack of justice. An independent expert would assist early warning mechanisms for conflict prevention by assessing situations where problems of impunity presage future problems. The independent expert could provide both assessments and expert services.

(d) Expert coordinating with other existing working groups and experts in disappearances, torture, arbitrary executions, and violence against women to strengthen the anti-impunity work of these actors. An independent expert could serve as a focal point for bringing an anti-impunity perspective to the work of other groups and experts, and as a resource for other international institutions to the extent their work involves impunity related issues, for instance the international lending institutions work in ethnically torn societies or in strengthening the rule of law.

8. Overall an independent expert is necessary to assist international organizations and states with principles, guidelines and recommendations regarding anti-impunity measures. An independent expert would further be able to monitor situations where human rights violations have decreased and the U.N. is not directly involved, and provide recommendations, reporting and assistance in ensuring that impunity for past crimes is dealt with effectively. The role of the

independent expert is unique, then, as his or her mandate involves assisting with accountability, justice and legal principles in areas where human rights violations are occurring and in those where, although violations are on the decline, impunity measures are still a problem.

9. In addition to appointing an independent expert, the Commission should continue to widely disseminate the principles on impunity outlined in the *Impunity Report of the Secretary-General Promotion And Protection Of Human Rights*, and the principles outlined in *The Right To Restitution, Compensation And Rehabilitation For Victims Of Gross Violations Of Human Rights And Fundamental Freedoms*. These should be circulated to Justice Ministries, Presidential offices and organizations of civil society, so that they become more widely known by national and local decision-makers.

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SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

Written statement*/ submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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ENG

Violations of Migrant Workers' Rights

1. Everyday, migrant workers cross national borders to better their lives, their family's lives and their communities by trying to earn more money to send back home. While migrant workers are enticed to cross these borders, the countries that entice them are putting these individuals in great peril because of their dangerous border policies. These border policies force migrant workers into desolate and dangerous areas, and many times into the hands of exploitative trafficking operations. If these individuals are lucky enough to survive their journey, there is still no protection from cruel and inhumane treatment within the countries that they enter. Over the years, Human Rights Advocates has submitted numerous reports describing violations of migrant workers' rights, but violence continues unchecked. This statement will focus on violations of the right to life of migrant workers on the territorial borders of nations and the right of migrant workers to be free from "torture or to cruel, inhuman or degrading treatment or punishment."[1]

UNITES STATES

Border Deaths

2. In 1994, the U.S. government released a plan to control the flow of illegal immigration on its southern borders. The plan was broken into four operations with "Operation Gatekeeper," which covered the area south of San Diego, California, resulting in the most deaths. From the inception of the operations to September 18, 2000, more than 1,300 deaths had occurred.[2]

3. Last year alone, the U.S. Border Patrol, which keeps a migrant body count by fiscal year, reported that there were more than 350 deaths.[3] The Mexican Foreign Relations Office, which keeps a migrant body count by calendar year, reported that there were more than 380 deaths.[4]

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[1] International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art. 10, adopted by General Assembly Resolution 451158 of 18 December 1990 (not in force), http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm

[2] The following data on migrant death comes from Claudia Smith, Border Project Director of the California Rural Legal Assistance Foundation, Letter to Allan G. Jury, Director of Policy Resource Planning of the Bureau of Population, Refugees & Migration of the U.S. Department of State, dated September 27, 2000. These figures came from the Mexican Foreign Relations Office, which keeps migrant body count by calendar year.

[3] The following data on migrant death comes from Claudia Smith, Border Project Director of the California Rural Legal Assistance Foundation, Letter to Allan G. Jury, Director of Policy Resource Planning of the Bureau of Population, Refugees & Migration of the U.S. Department of State, dated September 27, 2000. The U.S. figures cover October 1, 1999 to September 13, 2000.

4. While the Immigration and Naturalization ("INS") admits that worksite enforcement is the primary means for controlling immigration,[5] increased resources continue to be focused on the border control rather than worksite enforcement. Thus, while the INS budget increased 179% from 1993-1999,[6] the number of INS worksite investigators increased very little.[7]

5. In 1998, the United States put "Operation Lifesaver" into force to reduce the number of deaths at the border. The U.S. Immigration and Naturalization officials reported that agents have rescued more than 2,000 migrants.[8] "Operation Lifesaver" is not having the intended effect because the U.S. Border Patrol's own reports indicate that there were 231 deaths in FY 1999 and 351 deaths through September 13, 2000. Douglas, Arizona, Mayor Ray Borane stated, "[t]o me, it's like throwing a young child in the swimming pool, exposing him to the danger, and then saying that we have a method for securing that child."[9]

6. In another development, U.S. ranchers have taken vigilante action against migrants who have crossed the U.S. border into their property; in some cases it has been brutal or even deadly. Infamous Arizona rancher, Roger Barnett, told The Irish Times that "he has charged journalists $1,000 to go hunting with him."[10] Larry Vance Jr., chairman of the Cochise County Concerned Citizens, was quoted as saying "[w]here a native population has been diluted by invaders it runs into a bloodbath."[11]

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[4] The following data on migrant death comes from Claudia Smith, Border Project Director of the California Rural Legal Assistance Foundation, Letter to Allan G. Jury, Director of Policy Resource Planning of the Bureau of Population, Refugees & Migration of the U.S. Department of State, dated September 27, 2000. The Mexican figures cover January 1, 2000 to September 18, 2000.

[5] Commissioner Meissner testimony before the U.S. Senate on July 28, 1998.

[6] "INS Deploys $3.8 Billion in FY 98 Resources," INS News Release, March 10, 1998. One must keep in mind that 1993 was a year before this overzealous border campaign was initiated.

[7] Wayne Cornelius, "Appearances and Realities: Controlling Illegal Immigration in the U.S." in Temporary Workers or Future Citizens: Japanese and U.S. Migration Policies, Byron Weiner and Tadashi Hanami, eds. (1997), p. 403.

[8] Ken Ellingwood, "California and the West; INS Intensifies Campaign to Lessen Migrant Death Toll. Border: Agents Will Receive Special Training in River Rescue and First Aid. A Growing Number of Immigrants Have Died in Back-Country Areas," Los Angeles Times, June 27, 2000.

[9] Tessie Borden, "INS: Border Policy Failed," The Arizona Republic, August 10, 2000.
[10] Duncan Campbell, "No Where to Run as Patrols Struggle to Stem the Flow of Illegal Immigrants from Mexico into the US, Some Locals are Hunting Down the 'Wetbacks,'" The Irish Times, October 21, 2000.

[11] Duncan Campbell, "No Where to Run as Patrols Struggle to Stem the Flow of Illegal Immigrants from Mexico into the US, Some Locals are Hunting Down the 'Wetbacks,'" The Irish Times.

EUROPE

Border Deaths/Smuggling

7. In 1985, the Schengen Agreement was originally signed by seven nations in Europe, and full implementation of the agreement began in July of 1995.[12] The Schengen Agreement was designed to "remove all controls at internal land, sea and airport frontiers."[13] In order to control internal security, "[e]xternal border controls have been stepped up in the Schengen countries who are hooked up to the Schengen Information System ... [which] is especially important for policing the movements of third country nationals entering the Union at the external borders of the Schengen countries."[14]

8. The Irish Times reported that "[t]he tightening of border controls at the periphery of the EU that followed the introduction of the Schengen Agreement between some member-states may have driven greater numbers of migrants into the arms of the human traffickers."[15]

9. On June 19, 2000, the tragic death of 58 Chinese migrants who were found in an unventilated reefer unit in the port of Dover after being smuggled from Belgium was not an isolated incident.[16] Jean-Phillippe Chauzy of Geneva-based International Organization of Migration believes that these deaths are an everyday occurrence.[17]

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[12] "Free Movement of Persons Within the European Union," http://europa.eu.int/en/agenda/schengen.html. The Schengen Agreement can be found at http://spjelkavik.priv.no/henning/ifi/schengen/body1.html. Members: Belgium, France, Germany, Luxembourg, the Netherlands, Portugal, Spain, Italy, Greece and Italy; by the end of 2000, Sweden, Finland and Denmark were to become full members and Iceland and Norway were to be given associate status.

[13] "Free Movement of Persons Within the European Union," http://europa.eu.int/en/agenda/schengen.html.

[14] "Free Movement of Persons Within the European Union," http://europa.eu.int/en/agenda/schengen.html.

[15] Denis Staunton, "Dover Trafficking Tragedy Not an Isolated Event. The Tragedy at Dover is a Startling Reminder that Trafficking in People is a Substantial, and Growing, Problem Across Europe," The Irish Times, June 24, 2000.

[16] Denis Staunton, "Dover Trafficking Tragedy Not an Isolated Event. The Tragedy at Dover is a Startling Reminder that Trafficking in People is a Substantial, and Growing, Problem Across Europe," The Irish Times, June 24, 2000; Sam Ignarski, "Quarter Points: It's Time to Address this Problem," Lloyd's List, September 11, 2000; John Lichfield, "Tougher Border Controls Spark Desperate Measures," The Independent (London).

[17] Denis Staunton, "Dover Trafficking Tragedy Not an Isolated Event. The Tragedy at Dover is a Startling Reminder that Trafficking in People is a Substantial, and Growing, Problem Across Europe," The Irish Times, June 24, 2000.

10. German authorities also concede that immigrants are regularly jammed into containers as was done in Dover.[18] Mr. Chaucy further stated, "[s]ince January of this year [2000], almost 160 people have been drowned, or their bodies have been found in the Straits of Gibraltar, people coming from the Maghreb or sub-Saharan Africa. The fact of the matter is nobody knows how many people die each year attempting to be smuggled across borders. It's easy to say at least one person dies every day of the year."[19]

11. The San Francisco Chronicle reported "Interpol ... estimates that 4 million human beings per year are being smuggled across international borders by transnational criminal syndicates. Chinese triads and Italian Mafia clans, and their counterparts from the former Soviet Union, the Balkans, Israel, Lebanon, Vietnam, Nigeria, Columbia and elsewhere."[20] The story also states, "[f]or a quarter of a century, the rich European nations have made legal immigration impossible. Yet these same nations have extremely low birthrates and a growing labor shortage that makes newcomers essential. To maintain its economic standards, according to a recent U.N. report, the European Union needs 1.6 million workers per year more than it produces through natural population growth."[21]

12. UNITED for Intercultural Action, a coalition for non-governmental organizations has created a list of deaths of migrants trying to get into Europe.[22] The compilation began in January of 1993 and documents migrant deaths through October 14, 2000. UNITED lists 2132 documented deaths.[23]

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[18] Denis Staunton, "Dover Trafficking Tragedy Not an Isolated Event. The Tragedy at Dover is a Startling Reminder that Trafficking in People is a Substantial, and Growing, Problem Across Europe," The Irish Times, June 24, 2000.

[19] Denis Staunton, "Dover Trafficking Tragedy Not an Isolated Event. The Tragedy at Dover is a Startling Reminder that Trafficking in People is a Substantial, and Growing, Problem Across Europe," The Irish Times, June 24, 2000. This story was written midway into 2000, so it would not be great speculation to presume many more died in the second half of the year.

[20] Frank Viviano, "New Mafias Go Global. High-tech trade in humans, drugs," The San Francisco Chronicle, January 7, 2001.

[21] Frank Viviano, "New Mafias Go Global. High-tech trade in humans, drugs," The San Francisco Chronicle, January 7, 2001.

[22] UNITED for Intercultural Action; European network against nationalism, racism, fascism and in support of migrants and refugees. http://www.united.non-profit.nl/docs/listofdeaths.xls.

[23] UNITED for Intercultural Action; European network against nationalism, racism, fascism and in support of migrants and refugees. http://www.united.non-profit.nl/docs/listofdeaths.xls. The list includes more than just migrants, it also includes asylum seekers and refugees.

SAUDI ARABIA

13. Twenty-five percent of the population is made up of foreign nationals, who while enjoying good salaries are "vulnerable to abuse by their employers and there are no trade unions to defend them."[24] "Some are not paid. Some are beaten. Some are raped."[25]

14. "Their rights as detainees [by the criminal justice system] are also violated and there are few legal safeguards to protect them."[26] Migrant workers can't practice their religion because they "face arrest, detention, ill-treatment and deportation."[27] Amnesty also found that "migrant workers may spend years in prison not knowing what charges are laid against them, sentences they are serving or even that they face execution."[28]

15. Saudi Arabia is reducing the number of foreign workers, in a process called "Saudiization."[29] Human Rights Watch reported that "[m]igrants have been long subjected to restriction such as surrender of passports to Saudi sponsors, limitations on freedom of movement, prohibitions on trade union organizing, and lack of access to legal representation in cases of arrest."[30] Migrant workers who remained after their length of stay were given a deadline to get new authorization or leave, and if they did not comply, they "faced fines of over U.S. $25,000, prison sentences of six months, and deportation."[31]

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[24] Amnesty International, Amnesty International: Saudi Arabia Campaign Website, http://www.amnesty.org/ailib/intcam/saudi/briefing/5.html.

[25] Amnesty International, "Saudi Arabia – Alone, afraid and abused," Amnesty International: Saudi Arabia Campaign Website, http://www.amnesty.org/ailib/intcam/saudi/issues/migrant.html.

[26] Amnesty International, Amnesty International: Saudi Arabia Campaign Website, http://www.amnesty.org/ailib/intcam/saudi/briefing/5.html.

[27] Amnesty International, Amnesty International: Saudi Arabia Campaign Website, http://www.amnesty.org/ailib/intcam/saudi/briefing/5.html.

[28] Amnesty International, Amnesty International: Saudi Arabia Campaign Website, http://www.amnesty.org/ailib/intcam/saudi/briefing/5.html.

[29] Human Rights Watch, Human Rights Watch World Report 2001: Saudi Arabia (2000), http://www.hrw.org/wr2k1/mideast/saudi.html.

[30] Human Rights Watch, Human Rights Watch World Report 2001: Saudi Arabia (2000), http://www.hrw.org/wr2k1/mideast/saudi.html.

[31] Human Rights Watch, Human Rights Watch World Report 2001: Saudi Arabia (2000), http://www.hrw.org/wr2k1/mideast/saudi.html.

THAILAND

16. Thailand continues to be a "hub of human trafficking within the region."[32] Thailand remains a hub because its trafficking enforcement laws are very weak.[33] Treatment of migrant workers is still unsatisfactory.[34] Human Rights Watch reported, "[d]uring a November 1999 crackdown on undocumented foreign labor, overcrowding in a number of immigration detention centers reached dangerous levels. Many migrants still did not have an effective opportunity to challenge charges of illegal entry."[35]

RECOMMENDATIONS

17. Human Rights Advocates recommends that the Commission:

18. Ask the Special Rapporteur to visit troubled border regions, such as the United States' side of its border with Mexico, to interview migrants and to develop solutions for preventing the many deaths that are occurring every day along these borders. The Special

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[32] Human Rights Watch, Human Rights Watch World Report 2001: Thailand (2000), http://www.hrw.org/wr2k1/asia/thailand.html.

[33] Human Rights Watch, Human Rights Watch World Report 2001: Thailand (2000), http://www.hrw.org/wr2k1/asia/thailand.html.

[34] Human Rights Watch, Human Rights Watch World Report 2001: Thailand (2000), http://www.hrw.org/wr2k1/asia/thailand.html.

[35] Human Rights Watch, Human Rights Watch World Report 2001: Thailand (2000), http://www.hrw.org/wr2k1/asia/thailand.html.

Rapporteur should also consider what other steps the United Nations could take to implement a more comprehensive approach to prevent the trafficking of persons.

19. Ask governments to take the following steps to avoid violations of migrant workers' rights and to report their results.

a) Cooperate with the Special Rapporteur by facilitating her visits. Reevaluate their practices so as to prevent the unnecessary deaths of individuals trying to cross national borders.

b) Establish guest worker programs, which would provide help to migrant workers to better their lives and better the economic condition of the countries that receive these workers.

c) If guest worker programs are implemented, governments must ensure that they include fundamental human rights safeguards to protect the lives and well being of migrant workers.

d) Governments should not arbitrarily detain migrant workers. If detained, they should be given the right to contact their consulates.

e) Governments should use more resources to stop human smuggling and the resulting injuries and deaths.

UNITED
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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 16 of the provisional agenda

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement*/ submitted by Human Rights Advocates, Inc.,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2001]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200101093*

ENG

The Juvenile Death Penalty is Prohibited by Customary International Law and *Jus Cogens*

1. Human Rights Advocates urges the Commission to support the Sub-Commission's Resolution that the prohibition of the juvenile death penalty is customary international law and to pass a resolution requesting ECOSOC to request the ICJ for an advisory opinion on the international prohibition of juvenile executions. Last year, the Sub-Commission on the Promotion and Protection of Human Rights affirmed that the prohibition of the juvenile death penalty is customary international law. (The death penalty in relation to juvenile offenders, Resolution 2000/17, adopted Aug. 17, 2000. E/CN.4/Sub.2/RES/2000/17 (2000).) The Sub-Commission noted that several Human Rights Commission Resolutions confirm this customary international law: Question of the death penalty, Resolution 1999/61, adopted April 28, 1999, E/CN.4/RES/1999/61 (1999); The question of the death penalty, Resolution 2000/65, adopted April 27, 2000, E/CN.4/RES/2000/65 (2000). Human Rights Advocates (HRA) supports the Sub-Commission's resolution. Furthermore, HRA considers that this customary international law has risen to the level of *jus cogens*. Customary international law prohibiting the juvenile death penalty is comprised of both: 1) state practice, which is evidenced by the long term, wide spread compliance by many nations; and 2) *opinio juris*, in that nation states believe that the law is not merely desired, but mandatory and required by international law. Both state practice and *opinio juris* evidence the customary international law prohibiting the juvenile death penalty.

2. The current practice of nations prohibits the juvenile death penalty. In the past two years, only three countries are known to have executed juveniles, the U.S., Iran, and the Democratic Republic of Congo. In the past three years, only three states in the United States, Texas, Oklahoma and Virginia, have executed juvenile offenders. In the 1999 the Sub-Commission resolution, six countries were mentioned as having executed juvenile offenders since 1990, and include: Islamic Republic of Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America and Yemen. (The death penalty in relation to juvenile offenders, Resolution 1999/4, adopted Aug. 24, 1999. E/CN.4/Sub.2/RES/1999/4 (1999).) Since the Sub-Commission's resolution, four of the six countries mentioned have changed their laws or denied reports of the practice of juvenile executions in their countries. Yemen has passed legislation conforming to international law.[1] In addition, it is reported that Pakistan has also passed legislation to comply with international law.[2] At last years session of the Human Rights Commission, Nigeria stated that the claims of the International Commission of Jurisits that Nigeria had violated international instruments were false because national legislation forbids it. Summary Record of the 6th Mtg. Of the Sub-Comm. on the Promotion and Protection of Human Rights, 56th Sess., paras. 39-40.

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[1] The minimum age of eighteen for the imposition of the death penalty was established in Yemen in October of 1994 with the enactment of a new penal code. Amnesty International, Yemen Ratification without implementation: the state of human rights in Yemen. AI Index, MDE 31/01/97, at 34, 37 *(March 1997).

[2] The San Francisco Chronicle reported that Pakistan, ruled by a military dictatorship, abolished the juvenile death penalty in July of 2000. San Francisco, p4 Sunday Section, 10/8/00. HRA has been unable to verify whether in fact the legislation has been passed.

UN Doc. E/CN.4/Sub.2/2000/SR.6 (Sept. 5, 2000). Similarly, Saudi Arabia delegates claimed at past sessions of the Human Rights Commission that they do not have a juvenile death penalty. Summary Record of the Human Rts. Comm., 56th Sess., paras. 88 and 90, UN Doc. E/CN.4/2000/SR.53 (June 29, 2000).

3. *Opinio juris* is comprised of numerous treaties and pronouncements by international bodies. The following treaties prohibit imposition of the juvenile death penalty: International Covenant on Civil and Political Rights; Convention on the Rights of the Child; Geneva Convention Relative to the Protection of Civilian Persons in Time of War; and American Convention on Human Rights. Also, resolutions by the Sub-Commission on Human Rights, the Commission on Human Rights, the Economic and Social Council and the General Assembly oppose the imposition of the juvenile death penalty.

4. Prohibition of the juvenile death penalty has also risen to the level of *jus cogens*. The Vienna Convention on the Law of Treaties provides that a norm attain *jus cogens* status when it is 1) of general international law; 2) accepted by the States as a whole; 3) immune from derogation; and 4) modifiable only by a new norm of the same status. All of these elements are satisfied with the prohibition against imposing the death penalty on juvenile offenders. First, the prohibition of the juvenile death penalty is general international law because the numerous treaties which prohibit it. Second, prohibition of the juvenile death penalty is accepted by a very large majority of states, even if dissent by a small number of states. In addition to being accepted by the majority of countries, only three countries are known to have practiced the juvenile death penalty in the past three years. This near unanimous acceptance of the prohibition of the juvenile death penalty is clear when compared to the prohibition against torture in international law. While all countries of the world have accepted the prohibition against torture, it has been reported that torture and ill-treatment occurred in over 150 countries from 1997 to mid-2000.[3] Additionally, almost every nation in the world has ratified the Covenant on the Rights of the Child.[4] (Status of the Convention on the Rights of the Child, Report of the Secretary-General, U.N. ESCOR, Hum. Rts. Comm., 59th Sess., Agenda Item 20, para. 2, U.N. Doc. E/CN.4/1998/99 (1997).) Third, the prohibition is non-derogable. Article 4 of the ICCPR states there shall be "no derogation" from Article 6, which prohibits the juvenile death penalty. Fourth, there is no emerging norm that contradicts the current norm. Prohibition of the juvenile death penalty has been universally accepted by all but a few nations. Accordingly, prohibition of the juvenile death penalty is a *jus cogens* norm from which no country is allowed to deviate.

5. An ICJ advisory opinion on the juvenile death penalty will further assist the Commission on Human Rights in its effort to prohibit imposition of the death penalty on juvenile offenders.

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[3] Amnesty International, Launch Report for the 2000 Campaign to Stamp Out Torture, (visited 1/24/01) <www.stoptorture.org:8080/report/body1.htm>

[4] The only nations not to ratify are the United States and Somalia (because there is no government).

For example, the United States, in response to 16 year old offender Michael Domingues' claim that his execution would violate international norms, claimed there was a lack of jurisprudence on whether customary international law or *jus cogens* support prohibition of the juvenile death penalty. Specifically, the United States noted that an ICJ decision on the juvenile death penalty would be helpful to resolve this question.

6. Therefore, the Commission should support the Sub-Commission's resolution on the matter and should request that the Economic and Social Council seek an ICJ advisory opinion on whether imposition of the juvenile death penalty violates customary international law and *jus cogens* norm.

7. Precedent exists for requesting ICJ advisory opinions. In 1989, the Economic and Social Council, pursuant to resolutions passed by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requested an ICJ advisory opinion regarding the immunity of Dumitru Mazilu, Special Rapporteur of Sub-Commission on Prevention of Discrimination and Protection of Minorities (1989/75).

8. Also, most recently in 1998, the Economic and Social Council requested an ICJ advisory opinion on the immunity of Dato' Param Cumaraswamy as Special Rapporteur of the Commission on Human Rights (1998/297).

9. In an effort to abolish the juvenile death penalty, Human Rights Advocates recommends that the commission resolution include a request that the Economic and Social Council seek an International Court of Justice advisory opinion on the juvenile death penalty on whether imposition of the juvenile death penalty violates customary international law and *jus cogens* norm. An ICJ decision would help provide needed jurisprudence on the issue and perhaps prompt governments' compliance with international norms.

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by Human Rights Advocates, Inc.,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2001]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200101093*

ENG

1. Trafficking in women and children for the purpose of sexual slavery is a flagrant human rights violation occurring worldwide. When a woman or child is trafficked or sexually exploited, they are denied the most basic human rights, and in many cases, denied their right to life.

2. Trafficking in persons has been condemned by the United Nations and other international and regional groups as well as scores of domestic legislative efforts. The first international anti-trafficking convention was adopted in 1904, but today, nearly 100 years later, the numbers of women and children trafficked in this hideous trade has only escalated with no signs of slowing. The 1995 Beijing Women's Conference[1] increased public international awareness about the sex trade, and yet the United Nations estimates that 4 million people are trafficked each year,[2] resulting in a $7 billion profit to criminal groups.[3] Trafficking in women and children arguably has the highest profit margin and lowest risk of almost any type of illegal activity. In the past decade, an estimated 30 million women and children may have been trafficked in and from South-East Asia for sexual exploitation and sweatshop labor.[4]

3. The flow of human traffic generally runs from poor to rich countries, from the south and east to the north and west. Countries of the former Soviet Union have become traffickers' latest targets, due in part to faltering economic systems and hyperinflation having destroyed many families' financial security.[5] Trafficking has become a gold mine for traffickers in Ukraine, where women account for over 60% of those who lost their jobs in recent years.[6] Lured by false promises and information, many women fall prey to unscrupulous traffickers who exploit the economically vulnerable.

4. The efficient, brutal routine endured by trafficked women and children rarely varies in the dozens of countries where trafficking and sexual slavery occurs. Women are held in apartments, bars and makeshift brothels. They are beaten, drugged, starved, and raped into submission. Fifteen-year-old prostitutes in Bangkok service an average of 14 clients a day. They are held captive by debt bondage, violence, and fear. Few ever testify against their traffickers and those who do often risk death. In 1998 in Istanbul,

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[1] United Nations Fourth World Conference on Women: Declaration and Platform for Action, 35 I.L.M. 401 (1996).

[2] *Advancement of Women: Trafficking in Women and Girls: Report of the Secretary-General*, U.N. GAOR, 53rd Sess., Agenda Item 103, Sept. 1998.

[3] Vanessa von Struensee, *Globalized, Wired, Sex Trafficking in Women and Children*, 7 Murdoch U. Electronic J.L. No. 2 (June 2000).

[4] Pino Arlacchi, UN Director General of the Office for Drug Control and Crime Prevention, in Barbara Crossette, *People trafficking on the rise, warns UN*, THE AGE, June 26, 2000, *at* http://www.theage.com/au/cgi-bin.

[5] Michael Specter, *Contraband Women -- A special report. Traffickers' New Cargo: Naive Slavic Women*, N.Y. TIMES, Jan. 11, 1998.

[6] Irene Jarosewich, *Reports on Trafficking of Women in Europe: Most who Seek Rescue are from Ukraine*, 66 THE UKRANIAN WEEKLY, No. 32, Aug. 9, 1998.

Turkey, according to Ukrainian police investigators, two women were thrown to their deaths from a balcony while six of their Russian friends watched. In Serbia in 1998, an escaped Ukrainian woman reported that a woman who refused to work as a prostitute was beheaded in public.[7] Many will contract sexually transmitted diseases, including the HIV virus. In Cambodia, an estimated 40% of prostitutes are HIV positive.

5. Factors that facilitate trafficking:
   a) Gobalization. Increased economic globalization and privatization has resulted in an increased feminization of poverty, forcing greater numbers of women worldwide to migrate in search of work.[8] As developing countries make the transition to market-based economies, women appear to be left behind economically because of their disparate access to land, education and technology. Furthermore, modern transportation allows traffickers to move their 'product' further, faster and more efficiently.
   b) Lack of government attention: Many countries have weak, un-enforced, or no laws against trafficking in human beings, often making it less risky and more profitable to criminal groups than drug or arms trafficking.[9] In addition, government officials are frequently directly responsible for such acts of violence as purchasers and abusers women and children.[10] Other times, the government of a State knowingly tolerates or approves of a social pattern of widespread violence against women, making the government indirectly responsible for the violence. In Cambodia, some policemen receive about $11 per month from each brothel to ignore it.[11] The Global Survival Network documented government officials' involvement in trafficking women from Russia.[12]
   c) Poverty: In Cambodia, 13-15 year old virgins cost $500 for three days, or $600 for a week.[13] After she loses her virginity, her value falls under $100. To maintain their premiums, some girls have been 'stitched up' several times to appear as virgins, forced to take clients before they are fully healed so that the bleeding can be attributed to her hymen breaking.[14]

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[7] Specter, *supra* note 5.
[8] Von Struensee, *supra* note 3.
[9] Specter, *supra* note 5.
[10] Kay Johnson, *Pedophile Playground*, TIME (Asia), Nov. 13, 2000. See also Vong Sokheng, *Officials turn blind eye to child trafficking*, PHNOM PHEN POST, Aug.4-17, 2000.
[11] Braema Mathi, *Khmer Kids of the Night*, THE STRAITS TIMES (Singapore), July 16, 2000.
[12] Gillian Caldwell, Steven Galster, and Nadia Steinzor, Global Survival Network, *Crime & Servitude: An Exposé of the Traffic in Women for Prostitution from the Newly Independent States*, a report presented at an international conference on "The Trafficking of NIS Women Abroad," Moscow, Russia, Nov. 3-7 (1997), *cited in* Von Struensee, *supra* note 3.
[13] Joe Cochrane, *Wealthy clients demand virgins for 'safe sex'*, SOUTH CHINA MORNING POST, Nov. 6, 1999.
[14] *Virgin Ruse*, THE STRAITS TIMES (Singapore), July 16, 2000.

d) Culture: Pervasive attitudes devaluing women and girl children encourage a social climate allowing females to be victimized while discouraging efforts at trafficking prevention.

6. Although trafficking in persons is being addressed in a number of different fora under topics which include discrimination against women, violence against women, contemporary forms of slavery, violence against migrant workers, labor rights for migrants, women and children, and most recently, transnational organized crime, and despite the several conventions, protocols, and resolutions rebuking trafficking and the factors that facilitate it, the trade continues to flourish with astounding success.

Conclusions and Recommendations

7. As long as trafficking in women and children remains such a lucrative trade, traffickers and offenders will continue to supply their "product." HRA urges receiving countries to not only assist supplying countries in alleviating conditions making persons vulnerable to traffickers, but also focus on consumers within their own countries. If demand is lessened, traffickers will have less incentive to supply the "product." HRA asks governments to add information programs directed at consumers regarding the health, safety and social risks of purchasing trafficked victims to supplement their current anti-trafficking efforts.

8. HRA commends Member States' signing the Convention on Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and requests that the Commission urge speedy ratification and effective domestic implementation of both the Convention and Protocol. HRA also encourages dialogue on the General Assembly's proposed international instrument against corruption to include thorough attention to entrenched attitudes de-valuing women and girl children.[15]

[15] Mention of the proposed anti-corruption instrument was mentioned in UN Press Release L/T/4359, 15 Dec. 2000.

9. HRA commends the work of Special Rapporteur on violence against women on her work on trafficking in women and children, and encourages governments to accept her recommendation to implement the "Human Rights Standards for the Treatment of Trafficked Persons."[16] HRA also recommends that the Commission clarify the mandate of the Special Rapporteur to include the authority to take urgent action to address allegations of specific violations and to investigate reliable allegations of governmental inaction with respect to those claims.

10. HRA reiterates the need to coordinate monitoring and information dissemination mechanisms and commends regional efforts to this end. HRA commends groups such as the Asian Regional Initiative Against Trafficking in Women and Children, working to uncover and eliminate gender discrimination and syndicates that facilitate trafficking in women and children.

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[16] "Human Rights Standards for the Treatment of Trafficked Persons" is a joint product of the Global Alliance Against Trafficking in Women in Bangkok (GAATW), the Foundation Against Trafficking in Women in Utrecht (STV) and the International Human Rights Law Group in Washington (IHRLG).

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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The International Indian Treaty Council is deeply concerned about continued brutal violations of human rights and fundamental freedoms committed against Indigenous Peoples throughout the world. Particularly glaring are violations resulting from military and paramilitary activities in Indigenous Peoples' territories, often carried out in conjunction with state condoned imposed development, forced relocations and land appropriations.

The IITC has received many specific cases of such documented abuses to bring to the attention of this session of the Commission. These include:

On December 15, 2000 IITC affiliate Defensoria Maya responded to the announcement of planned joint military exercises by the Guatemalan and United States Armed Forces to begin in 2001. Defensoria Maya categorically rejected this plan and voiced opposition to joint military operations in all territories, zones and communities of the Mayan Peoples.

The Indigenous Peoples of Guatemala are emerging from years of military terror, repression and genocide. They have stated that any increased militarization would undermine the reestablishment of effective social systems, democracy and the role of the state in providing educational, health, communications and other essential services to the Peoples of that country at this crucial time in Guatemala's development. Defensoria Maya, the Indigenous Peoples of Guatemala and the International Indian Treaty Council call upon the world community and this Commission to denounce this planned escalation of military activity in Guatemala.

Repression and intimidation are again on the rise in Guatemala since the coming to power of President Alfonso Portillo last year. These include assassinations and death threats against Indigenous organizations and leaders who are leading the call for ex general Rios Mont and other current and past members of the Guatemalan army responsible for the genocide against the Mayan Peoples to be brought to justice for their crimes against humanity.

Paramilitary groups again operate freely in parts of the country. Indigenous Peoples of Guatemala together with the International Indian Treaty Council stated over many years before this Commission that the paramilitary groups were controlled and directed by the military forces of Guatemala. The lack of adequate Government response in the last year to insure the security of human rights defenders inevitably will give rise to the same assumption.

Rising military and paramilitary violence not only threatens Indigenous Peoples of Guatemala. In October 2000, IITC affiliate the Kuna Youth Movement (MIKE) of Panama released a communiqué calling for international condemnations of a violent military incursion in the Embera-Waunan Indigenous Community, resulting in the death of an 11 year old girl and grave injuries to at least 12 other women and children. The incident was reported occurred when a group of armed gunmen crossed the border from Columbia into Panama, resulting in a confrontation with the Panamanian Police.

The Kuna Youth Movement and other Indigenous organizations in the region attribute this incident to an escalation of violence resulting from the so-called "Plan Columbia", promoted and funded as a drug eradication program by the United States Government. It has in fact been identified a joint counter insurgency strategy of the Columbian and US governments.

US financing of the Plan Columbia includes a massive aid package signed by President Clinton totaling 1.3 billion dollars. The MJK reported that as of October 2000, more than 400 Indians had fled their homes in the region due to the resulting increased military presence in areas already impacted by conflict.

On Saturday, December 30th, 2000 Holland's TV News Program "Nova" Showed a video of US-Funded Herbicide Spraying in the town of Ponte, Colombia over a forest stream that is the water supply for a village of Inago Indians, purportedly causing illness and skin blisters in young children and eliminating food and medicinal plants in the area. The Colombian Government denied the spraying. However, "biological warfare", in which 200 hectares a day are targeted for aerial spraying of communities with toxic herbicides such as glifosato and the fungus oxisporum is identified by the Indigenous Peoples of the area as an integral part of the "Plan Columbia", along with increased military activity.

Policies impacting Indigenous Peoples established under military dictatorships are allowed to continue under the "democratic" regimes that replace them. Displaced communities whose lands have been illegally appropriated for government supported imposed development carry out military and paramilitary repression in response to peaceful and lawful resistance.

In Chile, the Mapuche-Pehuenche Indigenous Poepels who have tradtioanlly inhabited the Upper Biobio basin contiune to be threatened by plans for construction of the second of six hydrolectric dams initiated by the fomer miliatry regime in that ocutnry.

The Pangue dam, the fisrt dam built in the area, was built despite the unamimous rejection of the Pehuenche communitites that live in the area. After severe criticsm of that Project, including doumentation htat nearly 100 families had been unlawfully pressured to swap their land and relocate agisnt their will, the World Bank has refused to finance further projects in the area. The Pehuenche have collectively told the government that they rejected the project and were not willing to relocate to other lands. However, the Biobio river´s waters were diverted in late 2000 and the company intends to begin construction of the dam in the coming months.

Dozens of Mapuche communities in the south of Chile are also presently demanding the return of land that was irregularly taken away from them under polcies faving the forest companies established under the dicatorship. Today the forest companies control over a million hectares illegally appriorated from the Mapuches.

The Mapuche community of Temu-cui-cui , situated about 5 km from Ercilla in the IX Region in Chile, continue to struggle for the recuperation of their lands taken by the logging company MININCO, in 1978. MININCO bought lands totaling 1,600 hectares from private landowners who had usurped the lands of the community in 1919.

The community holds ancestral title to the land under their 'Título de Merced' of 9 February 1884. In 1998, 1999 and ultimately in 2000 they tried to demarcate their lands, and to peacefully occupy the lands they are trying to reclaim. This has caused a number of confrontations with the police forces requested by MININCO to protect its operations.

Forest ocmpanies in this reagion have estamblished armed secutiry forces to carry out a well documneted calapin of intimidation agasint the surroudnign Idngeous commuteis who ahve been dsipalced formtehri own errorities. For example, an estimated 100 police are permanently stationed in a camp nearby to protect MININCO workers, and any movement by the Mapuches results in special forces from other towns are called in by MININCO.

Lack of Chilean govenement response to uphold the legal claims of the Mapuche or halt the abuses of private security forces have resulted in increasing numbers of protests in recent months, clashes with police and the jailing of dozens of Mapuche leaders. In Regiones VIII, IX and X, there are reportedly more than 400 Mapuches detained or charged with crimes related to assertions of ther legal claims to anscestral lands from which they contiune to be dispalced. The IITC calls upon this session of the Commssion to urge that the government of Chile implement its own laws protecting the anscestral title of the Mapuches before more repression and bloodshed results from denials of their rightful, legal claims.

To site a final example, in September 2000, the IITC notiifed the Special Rapporteur for the Elimination of Discrimination based on Religion or Belief Mr. Abdelfattah Amor, of a situation of military incursion on Indigenous lands in the United States. The Montana Air National Guard have proposed a bombing range on the Ft. Belknap Indian Communtiy in Montana. The Traditional Gros Vetnre Indian Naiton through the White Clay Society notified the IITC of their grave concerns for the environmental impacts as well as the threates to sacred sites in this area, which is located on lands recognized under their Treaty with the United States governrment.

In light of these, and many other such onoing threats to Indigenous Poeples' fudnamental human rights resulting from military activities which consitute acts of terrorism, the IITC lends its support to Commission on Human Rights resolution taken at its 56th session, 2000/30, addressing Human Rights and Terrorism.

The IITC respectfully calls upon the Special Rapporteur on Human Rights and Terrorism to address the crtical concerns included in this intervention, and to include in her future reports to the Commission the pervasive impacts on the human rights of Indigenous Peoples around the world caused by military and paramilitary activities carried out in their lands and territories.

The IITC will continue to offer our assistance to the Special Rapporteur on Human Rights and Terrorism in our capacity as a Non-Govenemntal Organizaiton with Consultative Status, by providing her with information and documentation regarding these cases directly impacting Indigenous Peoples.

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CIVIL AND POLITICAL RIGHTS

Written statement*/ submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 2001]

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a) Torture and Detention

The International Indian Treaty Council, along with thousands of human rights organizations and leaders around the world, expresses our shock, dismay and profound disappointment that outgoing United States President William Clinton refused to grant Executive Clemency for American Indian Political prisoner and human rights defender Leonard Peltier. Mr. Clinton failed to take a stand for justice and human rights by granting clemency to Mr. Peltier, although he gave of clemency and pardons to 140 other prisoners, including some of his own former business partners, on the final day of his presidency.

Mr. Clinton received urgent appeals from such notable international human rights leaders as Nobel Laureate Rigoberta Menchu Tum and the UN High Commissioner for Human Rights Mrs. Mary Robinson. In a letter dated December 22, 2000 Mrs. Robinson urged the President to grant Executive Clemency to Mr. Peltier, noting that his trial "raised serious due process concerns". Mrs. Menchu Tum wrote to the President on December 10th, calling upon him to send "a clear signal that the new century can begin on the path of struggle for justice, peace and tolerance by righting this injustice".

Thousands of Indigenous, ecumenical, human rights and political leaders as well as concerned citizens from around the world joined in making this call to the President, but to no avail. The next parole hearing for Mr. Peltier, incarcerated as a result of a serious and well-documented miscarriage of justice and in poor health, will be in 2008.

The US Federal Bureau of Investigation (FBI) along with politicians such as South Dakota Governor William Janklow, who was directly involved in the incidents resulting in Leonard's imprisonment, exerted unprecedented pressure on the President to deny this clemency appeal. Tactics included inflammatory and inaccurate full page newspaper adds, meetings with the President, an FBI-staged demonstration, and a national call-in campaign. It seems, sadly, that in the end Mr. Clinton bowed to this pressure.

The IITC calls upon this Commission to actively utilize every mechanism at its disposal and within its mandate to address this international crime against humanity and Indigenous Peoples. The well-documented facts of this case, including falsified extradition documents, coerced testimony, falsified ballistics reports and suppressed evidence, speak for themselves. We call upon the UN Committee on Arbitrary Detentions to renew its active investigation into the shameful facts of this case, especially now that this domestic remedy has been denied. Justice for Indigenous Peoples of the world depends upon justice for Leonard Peltier.

e) Religious Intolerance

Indigenous Peoples' fundamental human right to freedom of religion, culture and spiritual practice continues to be under attack. To protect their traditional ceremonial ways of life, Indigenous Peoples are forced to resist and struggle on a daily basis against forced removals, desecration of sacred lands, institutionalized racism and rampant

commercialization of sacred cultural knowledge, art forms, sacred places and ceremonial practices without their permission or agreement.

In one example of ongoing cultural desecration, Yaqui Indian ceremonial and cultural leaders of Arizona United States and Sonora Mexico were notified last November that sacred ancient Yaqui ceremonies were being reenacted by a famous theatrical and film producer in a play presented to the public in San Diego California.

No authorized Yaqui spiritual or cultural leader gave permission for Yaqui sacred items or ceremonies to be shown publicly in this way. The perverse and disrespectful manner in which sacred objects and ceremonial dance regalia were openly desecrated on stage denigrated the Yaqui culture, and caused great shame and embarrassment to the Yaqui cultural leaders who came to witness this first hand.

Despite the strong protests of the Yaqui cultural leaders, under the laws of the US there is evidently no protection from such wanton desecration of Indigenous Peoples' traditional religion. Indigenous Peoples require strong international protections from cultural exploitation and theft, and full recognition of traditional cultural heritage as their collective "intellectual property" under the direct authority of their designated cultural and spiritual leaders.

International protection for Indigenous Peoples' cultural practices must be insured with at least the same level of international legal vigilance as exists for industrial products and trade secrets. Failure to do so will result in continued desecration of Indigenous Peoples ceremonial and cultural practices, in direct violation of their freedom of religion.

The United States Judicial System and the Office of Navajo and Hopi Relocation Commission declared that February 1st 2000 would be the last day for the remaining Dineh on the so-called Hopi Partitioned Lands (HPL) in northern Arizona to sign up for relocation or be labeled trespassers and subjected to forcible eviction by the U.S. Attorney's Office. The remaining traditional Dineh residents in this partitioned area are still holding residency, determined to remain for the rest of their lives.

The traditional resistors, most of them elders, continue to raise sheep, goats, cattle and horses, and to live up to their ancient religious obligations of seasonal religious rites practiced on their homelands. Daily, they live in great fear of severe government penalties for exceeding the permitted number of animals, gathering firewood for cooking and warmth, gathering medicinal and ceremonial plants, utilizing ancient water sources, repairing wells, homes and roads, and allowing extra numbers of extended family members to live with them.

These traditional resistors strongly believe that the sacred lands must be maintained in a natural order. The traditional Dineh are aware that Peabody Western Coal Company, which is currently mining nearly 80, 000 acres adjacent to Big Mountain, will expand further into these sacred lands once forcible removal is completed.

The IITC and the Dineh resisters remind the members of the Commission on Human Rights and NGO Delegates that this situation is, now, beyond crucial. The year 2001 can bring about a volatile state when the U.S. Attorney begins enforcing removal of individual traditional residents. In the words of one resister "We, the Sovereign Dineh resistors may politically be powerless but spiritually our focuses are adamant, and we will be prepared, again, to hopefully stop the U.S. government and its energy companies with their intentions to annihilate our ancient existence."

In December, 2000 at the United Nations Americas Preparatory Conference for the World Conference Against Racism in Santiago, Chile, Mr. Lenny Foster, International Indian Treaty Council Board member, National Coordinator of the National Native American Prisoners Rights Advocacy Coalition, and director and spiritual advisor and Director of the Navajo Nation Corrections Project, addressed another critical example of denial of religious freedom for Indigenous peoples in the United States. Mr. Foster visits and represents over 1,500 Native American clients incarcerated in 96 state and federal prisons, who are victims of extreme racial and religious discrimination..

For years Native American Peoples have been denied the right to practice traditional Native religious and spiritual beliefs in the United States prison systems. Until 1978, countless ceremonial practices were banned and outlawed by the United States government, and religious structures and articles were destroyed in an effort to assimilate the Native Peoples into the dominant society. Today, enforcement and compliance with existing laws, policies and statutes are not uniform. Lawsuits filed to enforce existing laws have resulted in adverse decisions, and freedom of religion for Native American prisoners has depended upon the whim of individual prison officials.

Mr. Foster stated in his intervention that long hair worn in a traditional fashion is an essential aspect of Native American cultural and spiritual beliefs, but that California state prison officials recently implemented a forcible haircutting policy for Native Americans prisoners, harming them spiritually and psychologically. Federal and state prison systems regularly deny equal access and use of sacred herbs and prayer items, entry for spiritual leaders, and traditional ceremonies, even for prisoners condemned to Death. There are currently forty-four Native American inmates on Death Row condemned to execution. Prison officials in California and Missouri have denied requests by condemned prisoners for use of the traditional sweat lodge ceremony as a Last Rite before their executions.

Mr. Foster stated at the Americas Prepcom "Our ancestors were displaced physically and spiritually by the United States government. During the displacement, many of the traditional ways of spiritual and religious practices were repressed. The dominant society sought to destroy our culture. However a spiritual and cultural revival has developed in the past thirty years in which the Native Americans have sought to regain the roots of our culture.... The outright denial of religious practices for Indigenous Prisoners is another example of the lack of implementation of internationally recognized rights upholding freedom of religion for Indigenous Peoples in the US."

In light of such cases, which represent only a small percentage of total, the IITC calls upon the United Nations Commission on Human Rights to stand with Indigenous Peoples in our ongoing call for our internationally enshrined rights to freedom from racism and discrimination based on religion or belief be fully respected. Indigenous Peoples must finally be respected as full members of the human family, and as Peoples with the fundamental right to self-determination over their cultural development.

Thank you, for all our relations.